

6 April 2016

Re: FOI request sent March 13 2016

Thank you for your request for information under the Freedom of Information Act, which we received on 13 March 2016.

You requested “all correspondence between the OBR and the Treasury during the exceptional pre-release access periods before the budget on March 18 and July 8 and the autumn statement on November 25.”

We can confirm that we hold information that falls within scope of your request. We consider this to be exempt from release under Section 36. This provides an exemption for information where, in the reasonable opinion of a qualified person (in this case Robert Chote, Chairman of the OBR), release would be likely to inhibit the free and frank provision of advice, or exchange of views for the purposes of deliberation.

As you note in your request, the Treasury Select Committee has stated that *‘The OBR requires a close working relationship with Government departments, based on free and frank exchange at official level. The subjection of all communications between OBR staff and Government officials to routine public scrutiny could prejudice this relationship’*.¹

As Robert Chote set out in his letter to the Chairman of the TSC in September *‘we benefit enormously from such exchanges between officials, often at a relatively junior level. To establish a precedent that such material might be published would make Treasury and other departmental officials more reluctant to give us useful information and would lead to working level communications with us being policed more heavily by senior officials. We would lose an important flow of information, while fact-checking at the tail end of the EFO process would become more cumbersome at a point when we are already under extreme time pressure.’*²

While we judge that the systematic publication of all correspondence with the Treasury would be detrimental to our work, we are also seized of the importance of ensuring public confidence in our independence from Government. To that end, we have established a process by which at the end

¹ <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmtreasy/514/514.pdf>

² http://www.parliament.uk/documents/commons-committees/treasury/Written_Evidence/OBR-written-evidence-Chote-to-TSC-12102015.pdf

of every forecast process the non-executive members of the OBR, Lord Burns and Dame Kate Barker, review any correspondence that OBR staff feel either breaches the Memorandum of Understanding requirement that it be confined to factual comments only or could be construed as doing so. (Our non-executive members have a legal duty to ensure the OBR undertakes its legal duties with objectivity, transparency and impartiality.) If they had any concerns, they would raise them with the relevant Permanent Secretary and/or the Treasury Select Committee. This process was put in place for our November 2015 *EFO*. Previously, the non-executive members reviewed the correspondence associated with the other fiscal events in 2015.

The Treasury Select Committee has also said that it may – from time to time – request copies of such correspondence to ensure that Ministers, special advisers or officials have not sought to influence the OBR’s conclusions.

We hope and believe that these processes provide reassurance that the OBR has not been – and will not be – subject to undue influence by the Treasury or other departments, while maintaining the flow of information from departments to the OBR on which the ability to do our job depends.

Yours sincerely,

Mark Dembowicz
Office for Budget Responsibility